



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

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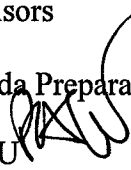
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County Counsel

July 16, 2012

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TO: SACHI A. HAMAI
Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: PATRICK A. WU 
Senior Assistant County Counsel

RE: **Item for the Board of Supervisors' Agenda**
County Claims Board Recommendation
D.M.C., et al. v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 433 664

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached are the Case Summary and the Summary Corrective Action Plan to be made available to the public.

It is requested that this recommendation, the Case Summary and the Summary Corrective Action Plan be placed on the Board of Supervisors' agenda.

PAW:rfm

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled D.M.C., et al. v. County of Los Angeles, et al., Los Angeles Superior Court Case No. BC 433 664, in the amount of \$900,000 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department's budget.

This lawsuit seeks compensation for minors for the alleged wrongful death of their father caused by Sheriff's Deputies.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	D.M.C., et al. v. County of Los Angeles, et al.
CASE NUMBER	LASC Case No. BC433664
COURT	Los Angeles Superior Court
DATE FILED	Complaint filed: March 12, 2010 Claim: September 30, 2009
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 900,000
ATTORNEY FOR PLAINTIFF	Brian T. Dunn, Esq. The Cochran Firm
COUNTY COUNSEL ATTORNEY	Jennifer A.D. Lehman
NATURE OF CASE	<p>This is a recommendation to settle for \$900,000, the lawsuit filed by minors D.M.C. and D.J.C., through their Guardians ad Litem, for the alleged wrongful death of their father, Derrick Collins. Plaintiffs allege that a Deputy Sheriff, without probable cause, confronted decedent and inflicted several gunshot wounds which proved fatal.</p> <p>The Deputy contends that probable cause existed for the force used in response to Plaintiff's actions.</p>

However, due to the risks and uncertainties of litigation, a full and final settlement of the case in the amount of \$900,000 is recommended.

PAID ATTORNEY FEES, TO DATE	\$	323,132
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PAID COSTS, TO DATE	\$	162,625
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Case Name: D.M.C., et al. v. County of Los Angeles, et al.



Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	Monday, September 14, 2009; approximately 10:07 p.m.
Briefly provide a description of the incident/event:	<p><u>D.M.C., et al. v. County of Los Angeles, et al.</u> Summary Corrective Action Plan No. 2012-006</p> <p>On Monday, September 14, 2009, at approximately 10:07 p.m., two Los Angeles County deputy sheriffs were on patrol in a standard, County-owned black and white patrol vehicle searching for two suspects involved in an earlier armed robbery.</p> <p>While searching for the suspects, the deputies saw two men who matched the suspects' description standing in the driveway of 1234 Poindexter Street. Believing the men may have committed the robbery, the deputies stopped to investigate. Upon seeing the deputies exit their patrol vehicle, one of the men (decedent) reached for his waistband and began running down the driveway away from the deputies. While one deputy pursued the man on foot, the second deputy detained the second man at the scene.</p> <p>The deputy pursued the man down the driveway to the corner of the garage. The deputy saw the man open a wooden gate with his left hand while simultaneously reaching for his waistband with his right hand. As the man stepped behind the wooden gate, he stopped and turned toward the deputy. As he turned, the deputy saw the man holding a black object in his right hand; an object the deputy believed to be a handgun.</p> <p>Fearing for his safety, the deputy fired three rounds from his duty weapon. All three rounds struck the man. The deputy requested medical aid for the man. Paramedics pronounced the man dead at the scene.</p>

1: Briefly describe the root cause(s) of the claim/lawsuit:

The decedent's minor children filed a lawsuit for the alleged wrongful death of their father.

County of Los Angeles
Summary Corrective Action Plan

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

The Los Angeles County Sheriff's Department had relevant policies and procedures/protocols in effect at the time of this incident.

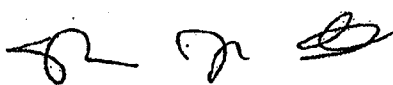
The Los Angeles County Sheriff's Department's training curriculum addresses the circumstances which occurred in this incident.

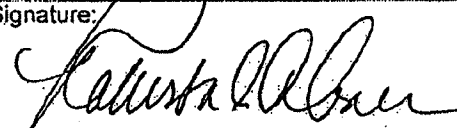
The Los Angeles County Sheriff's Department's administrative review revealed employee misconduct. As a result, appropriate administrative action was taken.

3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management Branch for assistance).

- ☐ Potentially has Countywide implications.
- ☐ Potentially has an implication to other departments (i.e., all human services, all safety departments, or one or more other departments).
- ☒ Does not appear to have Countywide or other department(s) implications.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator) Shaun J. Mathers, Captain Risk Management Bureau	
Signature: 	Date: 6/4/12

Name: (Department Head) Roberta A. Abner, Chief Leadership and Training Division	
Signature: 	Date: 06/07/12

County of Los Angeles
Summary Corrective Action Plan

Chief Executive Office Risk Management Branch

Name: <i>LEO COSTANTINO</i>	
Signature: <i>MAA</i>	Date: <i>6-18-2012</i>

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